

BEFORE THE DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

CARL C. MARKWOOD, M.D.  
Certificate No. G-3777,

Respondent.

NO. D-3048

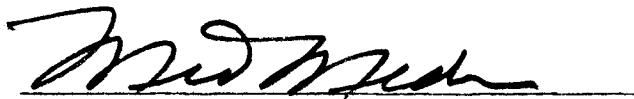
DECISION

The attached Stipulation is hereby adopted by the Division  
of Medical Quality of the Board of Medical Quality Assurance as its  
Decision in the above-entitled matter.

This Decision shall become effective on May 23, 1984.

IT IS SO ORDERED April 23, 1984.

DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE



MILLER MEDEARIS  
Secretary-Treasurer

1 JOHN K. VAN DE KAMP, Attorney General  
of the State of California  
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6 BEFORE THE DIVISION OF MEDICAL QUALITY  
7 BOARD OF MEDICAL QUALITY ASSURANCE  
8 STATE OF CALIFORNIA  
9

10  
11 In the Matter of the Accusation )  
12 Against: ) No. D-3048  
13 CARL C. MARKWOOD, M.D. ) PROPOSED DECISION PURSUANT  
1736 Professional Drive ) TO STIPULATION  
14 Sacramento, California )  
Certificate No. G-3777 )  
15 Respondent. )  
16

17 IT IS HEREBY STIPULATED FOR PURPOSES OF THIS PROCEEDING  
18 ONLY by and between Carl C. Markwood, M.D. (hereinafter  
19 "respondent"), by and through his attorney Dennis M. Warren, and  
20 the Board of Medical Quality Assurance, Division of Medical  
21 Quality, State of California (hereinafter the "Division"), by  
22 and through its attorney John K. Van De Kamp, Attorney General  
23 of the State of California, by R. Richard Arnold, Deputy  
24 Attorney General, as follows:

25 1. That respondent has received and read the Amended  
26 Accusation which is presently on file and pending in case number  
27 D-3048 before the Division.

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1           2. That respondent understands the nature of the  
2 charges alleged in the above-mentioned Amended Accusation as  
3 grounds constituting cause for disciplinary action.

4           3. That respondent is fully aware of his right to a  
5 hearing on the charges and allegations contained in said Amended  
6 Accusation, his right to reconsideration, to appeal and to any  
7 and all other rights which may be accorded him pursuant to the  
8 California Administrative Procedure Act, and that he hereby  
9 fully and voluntarily waives his right to a hearing, to  
10 reconsideration, to appeal and to any and all other rights which  
11 may be accorded him by the California Administrative Procedure  
12 Act with regard to said amended Accusation No. D-3048.

13           4. That Kenneth Wagstaff, complainant in the case, as  
14 Executive Director of the Board of Medical Quality Assurance of  
15 the State of California, made and filed the Amended Accusation  
16 in his official capacity as such and not otherwise. That  
17 respondent's license history and status as set forth at  
18 paragraph 2 of the Amended Accusation are true and correct.

19           5. That respondent admits the following facts:

20           (a) Respondent did diagnose, treat and care for  
21 patient C.J. in a negligent manner in that he diagnosed  
22 nutritional deficiencies without adequate evidence  
23 thereof and prescribed excessive treatment without  
24 adequate evidence of need therefor.

25           (b) Respondent did diagnose, treat and care for  
26 patient J.B.M. in a negligent manner in that he  
27 diagnosed nutritional deficiencies without adequate  
28

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1 evidence thereof and prescribed excessive treatment  
2 without adequate evidence of need therefor.

3 (c) Respondent did diagnose, treat and care for  
4 patient S.P. in a negligent manner in that he used the  
5 intradermal symptom suppressant testing technique AKA  
6 provocative and neutralization technique and sublingual  
7 drop therapy AKA provocative testing to treat subjective  
8 complaints not adequately explained by objective  
9 observations.

10 (d) Respondent did diagnose, treat and care for  
11 patient J.S. in a negligent manner in that he used the  
12 intradermal symptom suppressant testing technique AKA  
13 provocative and neutralization technique and sublingual  
14 drop therapy AKA provocative testing to treat alleged  
15 allergic conditions without adequate evidence of need  
16 therefor.

17 (e) Respondent did diagnose, treat and care for  
18 patient V.F. in a negligent manner in that he used the  
19 intradermal symptom suppressant testing technique AKA  
20 provocative and neutralization technique and sublingual  
21 drop therapy AKA provocative testing without adequate  
22 evidence that such treatment was relative to the  
23 patient's chief complaint.

24 6. Respondent's conduct alleged in paragraph 5(a)-(e)  
25 above constitutes grounds for disciplinary action pursuant to  
26 Business and Professions Code Section 2234(c).

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1           7. That, based on the foregoing recitals, IT IS HEREBY  
2 STIPULATED AND AGREED FOR PURPOSES OF THIS PROCEEDING ONLY that  
3 the Division of Medical Quality may issue, as to said grounds  
4 for disciplinary action, the following order:

5           The Certificate No. G-3777, issued to the respondent, is  
6 hereby revoked; provided, however, that said revocation is  
7 stayed for a period of five (5) years, during which time  
8 respondent shall be placed on probation, subject separately and  
9 severally to the following terms and conditions:

10           (a) Respondent is prohibited from the use of the  
11 diagnostic and treatment modalities intradermal symptom  
12 suppressant technique AKA provocative and neutralization and  
13 sublingual drop therapy AKA provocative technique.

14           (b) The above said prohibition in paragraph 7(a) shall  
15 not become effective until 30 days after the effective date of  
16 this decision to expressly allow for and arrange the orderly  
17 referral and/or transfer of patients with allergic conditions to  
18 other physicians providing such care.

19           (c) Within 30 days of the effective date of this  
20 decision, respondent shall submit to the Division for its prior  
21 approval, an intensive clinical training program in conventional  
22 allergy and immunology of not less than six months duration.

23           (d) Upon completion of the intensive clinical training  
24 program and within 90 days thereafter, respondent shall take and  
25 pass an oral clinical examination in conventional  
26 allergy and immunology to be administered by the Division or  
27  
28

1 its designee. If respondent fails to take and pass this examination,  
2 respondent shall cease the practice of medicine until this  
3 examination has been successfully passed and respondent has been  
4 so notified by the Division in writing. If respondent fails this  
5 examination, respondent must wait three months between re-  
6 examinations, except that after three failures respondent must  
7 wait one year to take each necessary re-examination thereafter.  
8 The division shall pay the cost of the first examination and  
9 respondent shall pay the costs of any subsequent examinations.

10 (e) Within 90 days of the effective date of this  
11 decision, and on an annual basis thereafter, respondent shall  
12 submit to the Division for its prior approval an educational  
13 program or course related to conventional allergy and  
14 immunology and general medicine with specific emphasis on  
15 nutritional medicine; which shall not be less than 20 hours  
16 each per year for a total of 40 hours, for each year of  
17 probation. This program shall be in addition to the Continuing  
18 Medical Education requirements for re-licensure. Following  
19 the completion of each course, the Division or its designee  
20 may administer an examination to test respondent's knowledge  
21 of the course.

22 (f) In the event that said modalities prohibited  
23 in paragraph 7(a) are determined by the Division to be  
24 acceptable for clinical usage, respondent may petition the  
25 Division for modification of his probation.

26 (g) Respondent shall submit quarterly declarations  
27 under penalty of perjury on forms provided by the Division,

1 stating whether there has been compliance with all the  
2 conditions of probation.

3 (h) Respondent shall comply with the Division's  
4 probation surveillance program.

5 (i) Respondent shall appear in person for interviews  
6 with the Division's medical consultant upon request at  
7 various intervals and with reasonable notice.

8 (j) In the event respondent should leave California  
9 to reside or to practice outside the State, respondent must  
10 notify in writing the Division of the dates of departure and  
11 return. Periods of residency or practice outside California  
12 will not apply to the reduction of this probationary period.

13 (k) Respondent shall obey all federal, state and  
14 local laws, and all rules governing the practice of medicine  
15 in California.

16 (l) If respondent violates probation in any respect,  
17 the Division, after giving respondent notice and the  
18 opportunity to be heard, may revoke probation and carry out  
19 the disciplinary order that was stayed. If an accusation or  
20 petition to revoke probation is filed against respondent during  
21 probation, the Division shall have continuing jurisdiction  
22 until the matter is final, and the period of probation shall be  
23 extended until the matter is final.

24 (m) Upon successful completion of probation,  
25 respondent's certificate will be fully restored.

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1 8. IT IS FURTHER STIPULATED AND AGREED that the  
2 terms set forth herein shall be null and void, and in no way  
3 binding upon the parties hereto, unless and until accepted by  
4 the Division of Medical Quality, Board of Medical Quality  
5 Assurance of the State of California.

6  
7 JOHN K. VAN DE KAMP  
8 Attorney General of the State  
9 of California

10 DATED: Nov 27, 1983

Richard Arnold  
11 R. RICHARD ARNOLD  
12 Deputy Attorney General

13 Attorneys for Complainant

14  
15 DATED: 11. 23. 83

D. M. Warren  
16 DENNIS M. WARREN, Esq.

17 Attorney for Respondent

18  
19 I HEREBY CERTIFY that I have read this stipulation  
20 and agreement in its entirety; that my attorney of record has  
21 fully explained the legal significance and consequences  
22 thereof; that I fully understand all of the same, and in witness  
23 thereof I affix my signature this 23 day of November,  
24 1983 at Sacramento, California.

25  
26 Carl C. Markwood, M.D.  
27 CARL C. MARKWOOD, M.D.  
Respondent



1 JOHN K. VAN DE KAMP, Attorney General  
2 of the State of California  
3 R. RICHARD ARNOLD  
4 Deputy Attorney General  
5 6000 State Building  
6 San Francisco, California 94102  
7 Telephone: (415) 557-1339

8 Attorneys for the Board of  
9 Medical Quality Assurance

10 BEFORE THE DIVISION OF MEDICAL QUALITY  
11 BOARD OF MEDICAL QUALITY ASSURANCE

12 STATE OF CALIFORNIA

13 In the Matter of the Accusation )

14 Against: )

No. D-3048

15 CARL C. MARKWOOD, M.D.  
16 1736 Professional Drive  
17 Sacramento, California  
18 Certificate No. G-3777

AMENDED ACCUSATION

19 Respondent. )

20 Complainant, KENNETH WAGSTAFF, alleges that:

21 1. He is the Executive Director of the Board of  
22 Medical Quality Assurance of the State of California (hereinafter  
23 the "Board") and makes and files this Amended Accusation in his  
24 official capacity as such and not otherwise.

25 2. On or about September 26, 1956, Carl C. Markwood  
26 (hereinafter "respondent") was issued Physician's and Surgeon's  
27 Certificate No. G-3777 by the Board. Said certificate was at  
all times mentioned herein in full force and effect and is  
currently in good standing.

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1           3. Business and Professions Code section 2234  
2 provides, in part, that the Board shall take disciplinary action  
3 against holders of certificates for unprofessional conduct.  
4 Unprofessional conduct is defined therein to include, but is not  
5 limited to, violating or attempting to violate, directly or  
6 indirectly, or assisting in or abetting the violation of, or  
7 conspiring to violate, any provision or term of this chapter  
8 (Business and Professions Code section 2000, et seq.).

9           4. In or about August 1980, patient C.J. sought  
10 professional medical services from respondent in connection with  
11 the general state of her health, incidental to a visit to  
12 respondent by her husband. Following a history and physical  
13 examination and laboratory tests, respondent noted the diagnoses  
14 of glucose intollerance, dysinsulinism, hypoglycemia, Estrogen  
15 deficiency, cervicitis, clinical hypothyroid state and low grade  
16 iron deficiency anemia.

17           From August 1980 through November 1980, respondent did  
18 diagnose, treat and care for said patient in a negligent,  
19 incompetent and repeated clearly excessive manner in that he  
20 diagnosed nutritional deficiencies without evidence thereof and  
21 prescribed excessive treatment without the need therefor and  
22 failed to properly evaluate the patient's diarrhea.

23           5. Respondent's conduct alleged in paragraph 4 above  
24 constitutes separate and distinct grounds for disciplinary  
25 action pursuant to Business and Professions Code sections 2234(c)  
26 (repeated similar negligent acts), 2234(d) (incompetence) and  
27 725 (excessive prescribing or treatment).

1           6. In or about February 1979, patient J.B.M. sought  
2 professional medical services from respondent with regard to a  
3 nutritional approach to her health with chief complaints of sore  
4 joints, particularly in the neck and shoulder, hot flashes and  
5 tension headaches. Following a history and physical examination  
6 and laboratory tests, respondent noted the diagnoses of  
7 dysinsulinemia, hypothyroid state and pulmonary dysfunction.

8           From February 1979 to November 1979, respondent did  
9 diagnose, treat and care for said patient in a negligent,  
10 incompetent and repeated clearly excessive manner in that he  
11 diagnosed nutritional deficiencies without evidence thereof  
12 and prescribed excessive treatment without the need therefor.

13           7. Respondent's conduct alleged in paragraph 6 above  
14 constitutes separate and distinct grounds for disciplinary  
15 action pursuant to Business and Professions Code sections 2234(c)  
16 (repeated similar negligent acts), 2234(d) (incompetence) and  
17 725 (excessive prescribing or treatment).

18           8. In or about March 1981, patient S.P., age 12,  
19 sought professional medical services from respondent in  
20 connection with complaints of stomachaches, constipation,  
21 headaches, nasal discharge, sore throat, low grade fever and  
22 extreme fatigue. Following a history and physical examination  
23 and laboratory tests, respondent noted diagnoses of chronic  
24 and acute allergic sinusitis and bronchitis, dysinsulinism and  
25 hypoglycemia.

26           From March 1981 through December 1981, respondent did  
27 diagnose, treat and care for said patient in a grossly negligent,

1 negligent and incompetent manner in that he prescribed glandular  
2 products which were not indicated, made a diagnosis of immune  
3 disregulation without a basis in fact used unproven diagnostic  
4 and treatment methods such as intradermal symptom suppressant  
5 testing also known as provacative and netralization testing  
6 technique and sublingual drops therapy also known as  
7 provacative testing to treat many subjective complaints that  
8 were not adequately explained by objective observations.

9           9. Respondent's conduct alleged in paragraph 8 above  
10 constitutes separate and distinct grounds for disciplinary  
11 action pursuant to Business and Professions Code sections 2234(b)  
12 (gross negligence), 2234(c) (repeated similar negligent acts)  
13 and 2234(d) (incompetence).

14           10. In or about April 1981, patient J.S. sought  
15 professional medical services from respondent in connection with  
16 multiple acute and chronic symptoms including, but not limited  
17 to, indigestion, frequest diarrhea, constipation, nasal  
18 congestion, sinusitis, coughs, burning sensation of the feet,  
19 recurrent pain and swelling of the joints of her hands and hips,  
20 nervousness, depression and insomnia. Following a history and  
21 physical examination and laboratory tests, respondent noted  
22 impressions and diagnoses of allergic rhinitis, sinusitis,  
23 nasopharyngitis, allergic induced cough, hypoglycemia,  
24 menopause and estrogen deficiency, bilateral cystic disease of  
25 the breast, left sacroilia arthritis, bilateral hearing impair-  
26 ment, functional systolic heart murmur, hemorrhoids, vaginitis  
27 and cervicitis.

1 From April 1981 through June 1982, respondent did  
2 diagnose, treat and care for said patient in a grossly negligent,  
3 negligent, incompetent and repeated clearly excessive manner in  
4 that he used unproven diagnostic and treatment methods such  
5 as intradermal symptom suppressant testing also known as  
6 provacative and netralization testing technique and sublingual  
7 drops therapy also known as provacative testing excessively in  
8 the management of alleged allergic diseases.

9 11. Respondent's conduct alleged in paragraph 10  
10 above constitutes separate and distinct grounds for disciplinary  
11 action pursuant to Business and Professions Code sections 2234(b)  
12 (gross negligence), 2234(c) repeated similar negligent acts),  
13 2234(d) (incompetence), and 725 (excessive prescribing or  
14 treatment).

15 12. In or about May 1982, patient V.F. sought  
16 professional medical services from respondent in connection  
17 with a chief complaint of difficulty sleeping. Following the  
18 initial visit, respondent listed numerous symptoms, recurrent  
19 morning headaches, chronic allergic rhinitis, constipation,  
20 frequent urination, arthritis, tightness and discomfort of  
21 hands, chronic nervousness, anxiety, depression, and insomnia.  
22 Following a history and physical examination and numerous  
23 laboratory tests, respondent did not arrive at any impressions  
24 as to a differential diagnosis for these symptoms.

25 From May 1982 through October 1982, respondent did  
26 treat and care for said patient in a grossly negligent,  
27 negligent, incompetent, and repeated clearly excessive manner in

1 that he failed to treat the patient's chief complaint, instituted  
2 irrelevant tests, ultimately made unsupported diagnoses, and  
3 used unproven diagnostic and treatment methods such as  
4 intradermal symptom suppressant testing also known as  
5 provacative and netralization testing technique and sublingual  
6 drops therapy also known as provacative testing.

7 13. Respondent's conduct alleged in paragraph 12  
8 above constitutes separate and distinct grounds for disciplinary  
9 action pursuant to Business and Professions Code sections 2234(b)  
10 (gross negligence), 2234(c) (repeated similar negligent acts),  
11 2234(d) (incompetence), and 725 (excessive prescribing or  
12 treatment).

13 WHEREFORE, complainant prays that the Board hold a  
14 hearing on the matters herein and following said hearing issue  
15 a decision suspending or revoking the Physician's and Surgeon's  
16 Certificate No. G-3777 issued to Carl C. Markwood, M.D., and  
17 taking such other and further action as the Board deems proper.

18  
19 DATED: Nov 3, 1983

20  
21  
22 *by*  
*Richard*  
*Arnold*

*Kenneth Wagsstaff*  
KENNETH WAGSTAFF  
Executive Director  
Division of Medical Quality  
Board of Medical Quality Assurance  
State of California

24  
25 Complainant  
26  
27